THE COMMONWEALTH OF MASSACHUSETTS

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	OF			

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a	ith
1. What is the name of the concern?	
Business address of concern. No	
2. Is the above concern an individual, co-partnership, an association or a corporation?	
3. If an individual, state full name and residential address.	
4. If a co-partnership, state full names and residential addresses of the persons composing it.	
	•
	-
5. If an association or a corporation, state full names and residential addresses of the principal officers. President	
Secretary	
Treasurer	•
If so, is your principal business the sale of new motor vehicles?	•
Is your principal business the buying and selling of second hand motor vehicles?	

7. Give a complete description of all the premises to be used for the purpose of carrying on
Terretain and the second of th
8. Are you a recognized agent of a motor vehicle manufacturer?(Yes or No)
If so, state name of manufacturer
9. Have you a signed contract as required by Section 58, Class 1?(Yes or No)
10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? (Xet or No.)
If so, in what city — town
Did you receive a license? For what year?
(Yes or No) 11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or part
thereof ever been suspended or revoked? (Yes or No)
Sign your name in full
(Duly authorized to represent the concern herein mentioned)
Residence
FID or Social Security No
IMPORTANT
EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT

Note: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

REVOCATION OF

YOUR LICENSE IF ISSUED.

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

8		(5)		Appli	ication after inves	tigation	(Approved or	Disapproved)	٠
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CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

Section 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

- Section 58. Licenses granted under the following section shall be classified as follows:
- Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.
- Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.
- Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars, Application for license shall be made in such form as shall be proved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be fifted with the resistrar. No such licenses shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-cieht in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the license for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-cieht, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 the person within said class 3 the person deprets and to make the permises where such license is not complying with sections fifty-

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF.

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS	Application No	License No.		St. and No		Date Issued
APPLICANT WILL NOT]	Applic	ClassLicens	Name	St. and No	Oity — Town	Date Issued

Remarks .

Section 3.4 - Issuance of Class I, II and III Motor Vehicle Licenses

Chapter 140, Sections 57-69 of the Laws of the Commonwealth, provide for the regulation of Class I, II and III licenses for the sale of motor vehicles. The Board of Selectmen as Licensing Authority is charged with the responsibility of issuing these licenses, determining that the licensee is a proper person to engage in the business and that there is a suitable place of business.

The following rules and regulations are hereby adopted to guide the Board of Selectmen in reviewing and ruling upon applications for Class I, II and III Motor Vehicle Licenses:

1. Each application will be dealt with on a case by case basis. These guidelines are not intended to be a full list of issues to be dealt with by the Board but are guidelines to the applicant.

2. Class I, II and III Motor Vehicle Licenses will be issued only within a commercial or industrial zoning district within the Town.

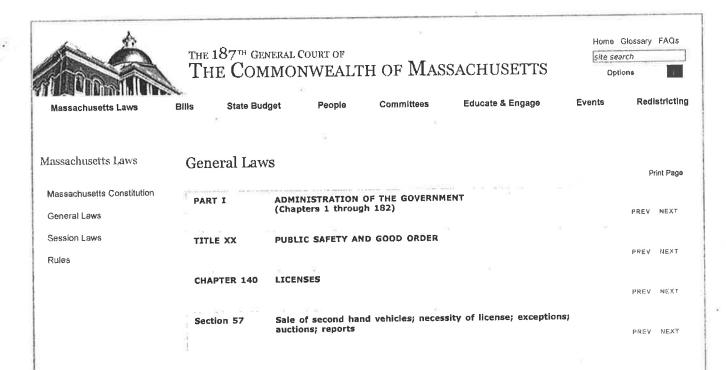
- 3. Pursuant to State law (Chapter 140, Section 59), the applicant must show that the business to be licensed is the principal business of the licensee.
- 4. The applicant shall provide to the Board of Selectmen a lease or written approval of the property owner (if other than the applicant) for the use of the premises for the license period.
- 5. The applicant will provide, pursuant to Chapter 140, Section 58, proof that the applicant maintains or has access to a repair facility sufficient to enable him to satisfy the warranty repair obligations imposed by State statute.
- 6. For Class I and II Licenses, all the requirements of Chapter 90, Section 7N ¼ and Section 7N 1/2 must be complied with.
- 7. The applicant must show through plans or other means that there is adequate space on the premises for the vehicles to be sold and for customers and employees to park.
- 8. The licensed activity must not create an adverse traffic impact and access to the site must be adequate.
- 9. The licensee must conform with the Zoning By-Laws including the sign portions of the Zoning By-Laws.
- The Board may require information to assure itself that the facility does not and will not cause any environmental problems relative to spills or other release of harmful substances to the environment or to neighboring properties.
- 11. The applicant shall provide proof of a bond as required by State Statute.
- Prior to the issuance of a Class I, II or III Motor Vehicle License, the Board may require a review by the Building/Zoning Inspection Division, and proof that all necessary approvals, permits and other licenses needed to operate have been issued. The Board will require a review by the Chief of Police to assist them in determining that the applicant is a proper person to engage in the business to be licensed.

The following will be standard conditions for Class I, II or III Motor Vehicle Licenses unless the Board of Selectmen shall modify any of these conditions, and the Board may make any additional conditions on the license as it deems fit:

- ♦ The maximum number of vehicles offered to be sold at any one time shall be established.
- The location of vehicle(s) to be sold will be specifically stated.

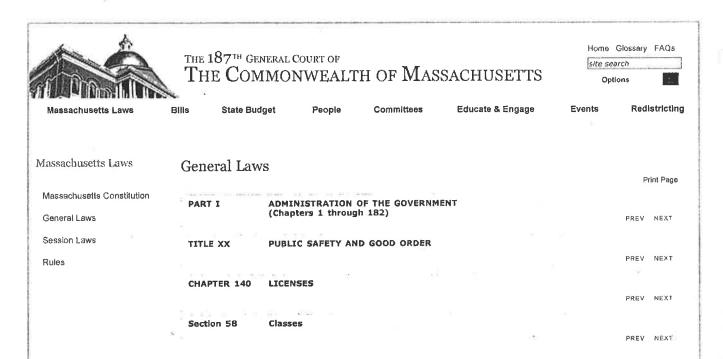
- ♦ The location of the repair facility will be specifically stated.
- ♦ There will be no pennants, banners, windshield signs or other information other than the principal sign unless required by law. The Board may require pricing and other consumer information to be attached to the vehicle in a manner so as not to detract from the general appearance of the site.

Adopted 12-13-94, Revised 5-25-04



Section 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof or allow any property under his control to be used as a place of sale or display of motor vehicles without securing a license as providing in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles, and to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public. All sales of second-hand motor vehicles or parts thereof made by any person referred to in this section shall be reported weekly to the registrar of motor vehicles on such forms as may be prescribed by him.

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Section 58. (a) Licenses granted under sections 59 and 59A shall be classified in accordance with subsections (b) to (d), inclusive.

- (b) Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter applicable to holders of licenses of Class 2, except subsection (c), and to rules and regulations made under those provisions; and provided further, that such dealer maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90, and shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.
- (c) Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license and shall be subject to the following conditions:
- (1) The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in

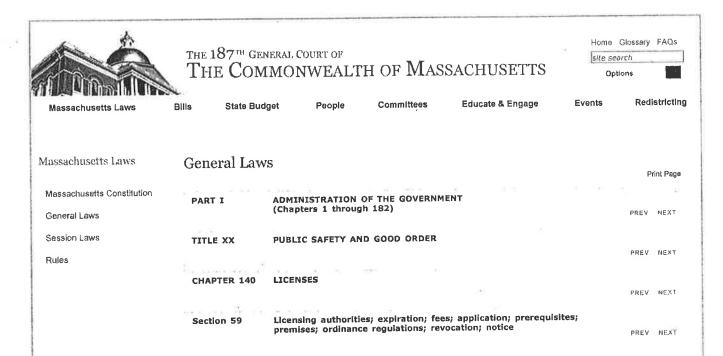
the commonwealth. The bond or its equivalent shall be for the benefit of a person who purchases a vehicle from a Class 2 licensee, and who suffers loss on account of:-

- (i) the dealer's default or nonpayment of valid bank drafts, including checks drawn by the dealer for the purchase of motor vehicles;
- (II) the dealer's fallure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens except a lien created by or expressly assumed in writing by the buyer of the vehicle;
- (III) the fact that the motor vehicle purchased from the dealer was a stolen vehicle;
- (Iv) the dealer's failure to disclose the vehicle's actual mileage at the time of sale;
- (v) the dealer's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction;
- (vi) the dealer's fallure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the dealer had assumed the obligation to pay off the lien.
- (2) Recovery against the bond or its equivalent may be made by any person who obtains a final judgment in a court of competent jurisdiction against the dealer for an act or omission on which the bond is conditioned if the act or omission occurred during the term of the bond. Every bond shall also provide that no suit may be maintained to enforce any liability on the bond unless brought within 1 year after the event giving rise to the cause of action.
- (3) The bond or its equivalent shall cover only those acts and omissions described in clauses (i) to (vi), inclusive, of paragraph (1). The surety on a bond shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against the bond or the number of years the bond remained in force.
- (4) A separate bond shall be required for each different name under which the dealer conducts his business and for each city or town in which the dealer has a place of business.
- (5) In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth, which has a face value equal to the amount of the bond otherwise required. The collateral may be deposited with or executed through any authorized state depository designated by the commissioner. Interest on the certificate of deposit shall be payable to the dealer who has deposited it as collateral, or to a person as the dealer or the certificate may direct.
- (6) A surety shall provide to the municipal licensing authority notice of cancellation of the bond within 30 days of the cancellation.
- (7) Upon receipt of notification from a surety that a bond has been cancelled, the municipal licensing authority shall notify the licensee that he has 10 days to comply with the bonding requirement. If the licensee does not comply within the 10 day period, the municipal licensing

authority shall revoke the Class 2 license and shall notify the registrar who shall suspend or revoke any dealer plate issued to the licensee pursuant to section 5 of chapter 90.

- (8) A municipal licensing authority shall not issue or renew a Class 2 license unless it is satisfied that a bond or equivalent proof of financial responsibility meeting the requirements of this section is in effect during the term under which the license shall be issued or renewed, and that the licensee maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.
- (d) Class 3. A person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts may be granted a motor vehicle junk license.
- (e) The registrar of motor vehicles, after consulting the office of consumer affairs and business regulation, shall adopt rules and regulations defining sufficient repair facilities for the purposes of subsection (b) and paragraph (8) of subsection (c).

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Section 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of Issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event shall any such fee be greater than \$200. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No original license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of the property abutting on the premises where such license or permit is proposed to be exercised. Except in the city of Boston, the licensing board or officer may, in its discretion, walve the annual hearing for renewal of a class 3 license. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixtynine, inclusive, or the rules and regulations made thereunder; and no new license shall be

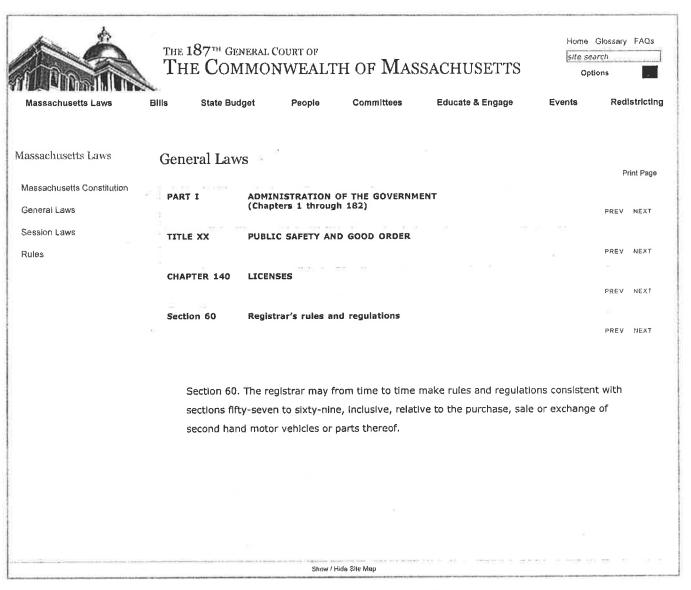
granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. In each case where such license is revoked, the licensing board or officer shall forthwith notify the registrar of such revocation. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The parties shall have all rights of appeal as in other cases.

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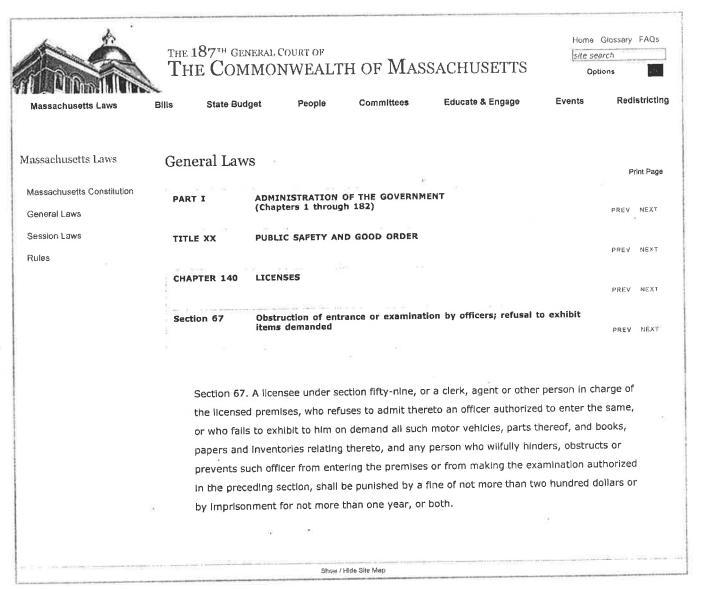
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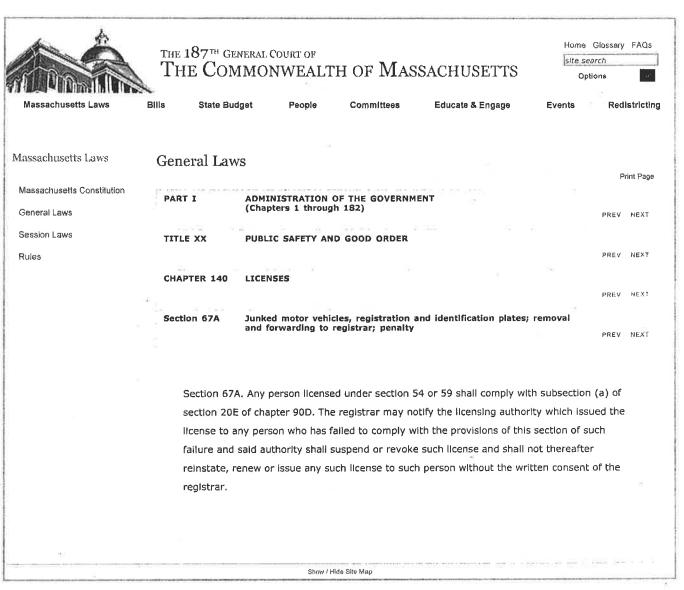
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Section 62. Every licensee shall keep a book on the licensed premises, in such form as shall be approved by the registrar, in which, at the time of the purchase, sale, exchange, or receipt for the purpose of sale, of any second hand motor vehicle or parts thereof, shall be legibly written in the English language an account and description of such motor vehicle or parts, with the name and address of the seller, of the purchaser, and of the alleged owner or other person from whom such motor vehicle or parts were purchased or received or to whom they were delivered, as the case may be. Such description, in the case of motor vehicles, shall also include the identifying number or numbers required by the registrar, and shall also include a statement that the identifying number or numbers have been removed, defaced, altered, changed, destroyed, obliterated or mutiliated if such is the fact.

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Assachusetts Laws General Laws General Laws Print Page Messachusetts Constitution General Laws PART I ADMINISTRATION OF THE GOVERNMENT (Chapters 1 through 182) PAREV NEXT Releas CHAPTER 140 LICENSES Section 69 Violation of statutes, rules or regulations PAREV NEXT Section 69 Violation and by the registrar under section sixty, unless a penalty other than the revocation of a license is prescribed therefor elsewhere in said sections, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both. A conviction of a violation of any of said sections, rules or regulations shall be reported forthwith by the court or magistrate to the registrar of motor vehicles who may, after a hearing, suspend or revoke any certificate of registration issued under section five of		THE 187 TH G	site s	Home Glossary FAQs site search Options			
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